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HITACHI ELECTRONIC DEVICES (USA), INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

DELL INC. and DELL PRODUCTS L.P.,

Plaintiffs,

v.

SHARP CORPORATION; SHARP
ELECTRONICS CORPORATION;
HITACHI DISPLAYS, LTD.; HITACHI
ELECTRONIC DEVICES (USA), INC.;
HITACHI, LTD.; EPSON IMAGING
DEVICES CORPORATION; EPSON
ELECTRONICS AMERICA, INC.;
HANNSTAR DISPLAY
CORPORATION; TOSHIBA AMERICA
ELECTRONIC COMPONENTS, INC.;
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.; TOSHIBA
CORPORATION; and TOSHIBA
MOBILE DISPLAY CO., LTD.,

Defendants.

Case No. 3:10-CV-01064 SI
MDL No. 1827

**STIPULATION AND [PROPOSED] ORDER
REGARDING SCHEDULING**

1 WHEREAS plaintiffs Dell Inc. and Dell Products L.P. (collectively, “Dell”) filed the
2 above captioned lawsuit on March 12, 2010;

3 WHEREAS Dell filed a Notice of Related Case to *In re TFT-LCD (Flat Panel) Antitrust*
4 *Litigation*, Case No. M:07-CV-1827-SI, MDL No. 1827, on March 12, 2010, and the case was
5 reassigned to the Honorable Susan Illston on March 18, 2010;

6 WHEREAS, the Defendants have agreed to waive service and the parties have reached an
7 agreement, pursuant to Civil L.R. 6-1(a), to extend the time within which the Defendants must
8 move against, answer or otherwise respond to Dell’s Complaint;

9 WHEREAS, the Parties previously stipulated and the Court ordered (Dkt. 1801)
10 Defendants to move against, answer or otherwise respond to Dell’s Complaint by July 6, 2010.

11 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
12 undersigned counsel, on behalf of their respective clients, Dell, on the one hand, and defendants
13 Sharp Corporation; Sharp Electronics Corporation; Hitachi Displays, Ltd.; Hitachi Electronic
14 Devices (USA), Inc.; Hitachi, Ltd.; Epson Imaging Devices Corporation; Epson Electronics
15 America, Inc.; Toshiba America Electronic Components, Inc.; Toshiba America Information
16 Systems, Inc.; Toshiba Corporation; and Toshiba Mobile Display Co., Ltd. (collectively,
17 “Defendants”) on the other hand, as follows:
18

- 19 1. Defendants will have until July 16, 2010, to move against, answer or otherwise
20 respond to Dell’s Complaint.
- 21 2. Dell and Defendants agree to the following briefing schedule for any motion or
22 motions to dismiss Dell’s Complaint (the “Motions”) and agree to file all motions or
23 proposed orders as necessary to implement the agreed-upon schedule. To the extent
24 the Court does not accept all or any part of the proposed schedule, Dell and
25

Defendants agree to work in good faith to establish a briefing schedule for the Motions acceptable to all parties and the Court to replace that set forth below:

- a. Dell will have until August 24, 2010 to file any response to the Motions;
 - b. Defendants will have until September 23, 2010 to file any reply brief(s) to the Motions;
 - c. The hearing on the Motions will be noticed for October 7, 2010.
3. Except as set forth above, all Local Rules shall remain in effect with respect to the briefing on the Motions. Entering into this stipulation does not effect a waiver of any defense under Federal Rule of Civil Procedure 12. This stipulation does not constitute a waiver of any challenge to personal jurisdiction by any Defendant.

Dated: July 1, 2010

/s/ Kent M. Roger

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/s/ John Chung

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Attorneys for Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, and Toshiba Mobile Display Co., Ltd.

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19 *Sharp Electronics Corporation*

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22 *Attorneys for Plaintiffs Dell Inc. and Dell*
23 *Products L.P.*

24 **FILER'S ATTESTATION**


25 I, Kent M. Roger, am the ECF user whose identification and password are being used to file
26 this Stipulation and [Proposed] Order. In compliance with General Order 45.X.B, I hereby
27 attest that John Chung, Colin West, Jacob R. Sorensen, Steven P. Freccero, and Debra
28 Bernstein concur in this filing.

29 /s/ Kent M. Roger
30 Kent M. Roger
31 *Attorneys for Defendants Hitachi Displays, Ltd.,*
32 *Hitachi Electronic Devices (USA), Inc., and*
33 *Hitachi, Ltd.*

[PROPOSED] ORDER

Pursuant to the parties' stipulation set forth above and pursuant to Rule 6-1(a) of the Civil
Local Rules, IT IS SO ORDERED.

Dated:

By 
HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE